

106TH CONGRESS
1ST SESSION

S. RES. 5

To establish procedures for the consideration of emergency legislation in the Senate.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1999

Mr. LOTT (for Mr. DOMENICI) submitted the following resolution; which was referred jointly pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one committee reports, the other committee have thirty days to report or be discharged

RESOLUTION

To establish procedures for the consideration of emergency legislation in the Senate.

1 *Resolved,*

2 **SECTION 1. CONSIDERATION OF EMERGENCY LEGISLA-**
3 **TION.**

4 (a) DESIGNATIONS.—

5 (1) GUIDANCE.—In the Senate for purposes of
6 making a designation of a provision of legislation as
7 an emergency requirement under section
8 251(b)(2)(A) or 252(e) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985, the commit-

tee report, if any, accompanying such legislation,
shall analyze whether a proposed emergency require-
ment meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—A proposed expenditure
or tax change is an emergency requirement if it
is—

(i) necessary, essential, or vital (not
merely useful or beneficial);

(ii) sudden, quickly coming into being,
and not building up over time;

(iii) an urgent, pressing, and compel-
ling need requiring immediate action;

(iv) subject to subparagraph (B), un-
foreseen, unpredictable, and unanticipated;
and

(v) not permanent, temporary in na-
ture.

(B) UNFORESEEN.—An emergency that is
part of an aggregate level of anticipated emer-
gencies, particularly when normally estimated in
advance, is not unforeseen.

(3) JUSTIFICATION FOR FAILURE TO MEET CRI-
TERIA.—If the proposed emergency requirement
does not meet all the criteria set forth in paragraph

1 (2), the committee report accompanying such legisla-
 2 tion shall provide a justification of why the require-
 3 ment is an emergency.

4 (b) POINT OF ORDER.—

5 (1) IN GENERAL.—When the Senate is consid-
 6 ering a bill, resolution, amendment, motion, or con-
 7 ference report, upon a point of order being made by
 8 a Senator against any provision in that measure des-
 9 ignated as an emergency requirement pursuant to
 10 section 251(b)(2)(A) or 252(e) of the Balanced
 11 Budget and Emergency Deficit Control Act of 1985
 12 and the Presiding Officer sustains that point of
 13 order, that provision along with the language mak-
 14 ing the designation shall be stricken from the meas-
 15 ure and may not be offered as an amendment from
 16 the floor.

17 (2) EMERGENCY LEGISLATION.—When the Sen-
 18 ate is considering an emergency supplemental appro-
 19 priations bill, an amendment thereto, a motion
 20 thereto, or a conference report therefrom, upon a
 21 point of order being made by a Senator against any
 22 provision in that measure that is not designated as
 23 an emergency requirement pursuant to section
 24 251(b)(2)(A) or 252(e) of the Balanced Budget and
 25 Emergency Deficit Control Act of 1985 and the Pre-

1 siding Officer sustains that point of order, that pro-
2 vision shall be stricken from the measure and may
3 not be offered as an amendment from the floor.

4 (c) WAIVER.—Paragraphs (1) and (2) of subsection
5 (b) may be waived in the Senate only by the affirmative
6 vote of three-fifths of the Members, duly chosen and
7 sworn.

8 (d) APPEAL.—Appeals in the Senate from the deci-
9 sions of the Chair relating to any provision of this resolu-
10 tion shall be limited to 1 hour of debate, to be equally
11 divided between, and controlled by, the appellant and the
12 manager of the legislation. An affirmative vote of three-
13 fifths of the Members of the Senate, duly chosen and
14 sworn, shall be required in the Senate to sustain an appeal
15 of the ruling of the Chair on a point of order raised under
16 this resolution.

17 (e) DEFINITION.—In this resolution, the term “emer-
18 gency supplemental appropriations bill” means a bill or
19 joint resolution appropriating funds in addition to those
20 enacted in the appropriations Act for that year as defined
21 in section 105 of title 1, United States Code.

○